



Board Report

File #: 2018-0689, **File Type:** Policy

Agenda Number: 43.

**REGULAR BOARD MEETING
OCTOBER 25, 2018**

SUBJECT: PURPLE LINE WESTSIDE SUBWAY EXTENSION TRANSIT PROJECT SECTION 2

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATION

CONSIDER:

- A. HOLDING a public hearing on the proposed Resolutions of Necessity; and
- B. ADOPTING the Resolutions of Necessity (Attachment B) authorizing the commencement of an eminent domain action to acquire a subsurface easement in the properties identified as Parcels: W-3301 (APN: 4328-014-005); W-3302 (APN: 4328-009-003); W-3303 (APN: 4328-009-023); W-3304 (APN: 4328-009-043); W-3402 (APN: 4328-008-002); W-3405 (APN: 4328-008-029 through 4328-008-048); W-3408 (APN: 4328-08-014); W-3503* (APN: 4328-007-107 through 4328-007-110); W-3504* (APN 4328-007-017); W-3505* (APN 4328-005-001).

*These parcels were previously included in the Resolutions of Necessity presented to the Board at its September 27, 2018 meeting. However, two-thirds of the Board was not present at the time of the vote and the item did not pass.

(REQUIRES 2/3 VOTE OF THE BOARD)

BACKGROUND

Acquisition of the above-referenced subsurface easements, referred to herein as “Property” is required for the construction of and operation of the Westside Purple Line Westside Extension Project Section 2 (“Project”). The subsurface easements are required for the tunnel alignment that will connect the Century City Constellation Station with the Beverly Hills Wilshire Rodeo Station.

A written offer was delivered to the Owners of Record (“Owners”), as required by California Government Code Section 7267.2. The Owners have not accepted the offer of Just Compensation made by the Los Angeles County Metropolitan Transportation Authority (“LACMTA”), and the parties have not at this time reached a negotiated settlement. Because the Property is necessary for construction of the Project, staff recommends the acquisition of the Property through eminent domain to determine the value of the Property and to maintain the Project schedule.

In accordance with the provisions of the California Eminent Domain law and Sections 30503, 30600, 130051.13, 130220.5 and 132610 of the California Public Utilities Code (which authorize the public acquisition of private property by eminent domain), LACMTA has prepared and mailed notice of this hearing to the Owners informing them of their right to appear at this hearing and be heard on the following issues: (1) whether the public interest and necessity require the Project; (2) whether the Project is planned or located in the manner that will be most compatible with the greatest good and the least private injury; (3) whether the Property is necessary for the Project; (4) whether either the offer required by Section 7267.2 of the Government Code has been made to the Owner, or the offer has not been made because the Owner cannot be located with reasonable diligence; (5) whether environmental review of the Project has complied with the California Environmental Quality Act (CEQA) and (6) whether LACMTA has given the notice(s) and followed the procedures that are a prerequisite to the exercise of the power of eminent domain.

After all of the testimony and evidence has been received by LACMTA from all interested parties, LACMTA must make a determination as to whether to adopt the proposed Resolutions of Necessity to acquire the Property by eminent domain. In order to adopt the Resolutions, LACMTA must, based on the evidence before, and by a vote of two-thirds of all the members of its governing body, find and determine that the conditions stated in the items 1 - 6 above exist. Attached is evidence submitted by staff that supports adoption of the Resolutions that has been approved by counsel and which sets forth the required findings (Attachment A).

DETERMINATION OF SAFETY IMPACT

This Board action will not have an impact on LACMTA's safety standards.

FINANCIAL IMPACT

The funding for the acquisition of the Property is included in the approved fiscal year 2019, project budget under Measure R Project 865522 (Purple Line Westside Extension Project Section 2), in Cost Center 8510, and Account Number 53103 (Acquisition of Land).

Since this is a multi-year project, the Project Manager, Cost Center Manager and Chief of Program Management will be responsible for budgeting costs in future fiscal years within the Adopted Life of Project Budget.

Impact to Budget

No increase to FY19 budget is required with this recommendation. The approved FY19 budget funding is comprised of Measure R 35% sales tax, Federal, TIFIA Loan, State and Local funds designated for the Westside Purple Line Extension, Section 2. These funds have been committed to the project through a Full Funding Grant Agreement and do not have an impact to operations funding sources. This Project is not eligible for Proposition A and C funding due to the proposed tunneling element of the Project. No other funds were considered.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

EQUITY PLATFORM FRAMEWORK CONSISTENCY

Implementation of the state's eminent domain laws assures that equity is afforded to property owners to engage and have a voice in the decision making process with regards to the acquisition of their property.

STRATEGIC PLAN CONSISTENCY

The Board action is consistent with Metro Vision 2028 Goal #1: Provide high quality mobility options that enable people to spend less time traveling. Adoption of the Resolutions of Necessity is a required step to acquire these properties for the Westside Purple Line Extension which will provide an additional mobility option.

NEXT STEPS

If this action is approved by the Board, the LACMTA's condemnation counsel will be instructed to take all steps necessary to commence legal proceedings in a court of competent jurisdiction to acquire the Property interest by eminent domain. Counsel will also be directed to seek and obtain an Order of Prejudgment Possession in accordance with the provisions of the eminent domain law.

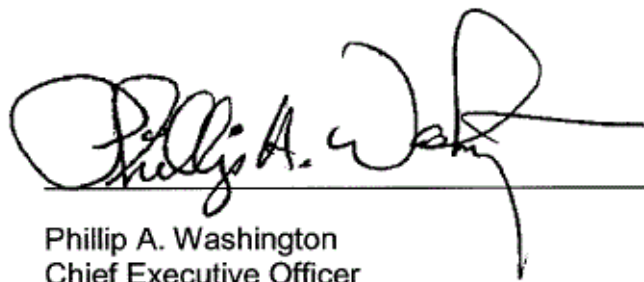
ATTACHMENTS

Attachment A - Staff Report

Attachment B - Resolutions of Necessity

Prepared by: Velma C. Marshall, Deputy Executive Officer - Real Estate
(213) 922-2415

Reviewed by: Therese McMillan, Chief Planning Officer (213) 922-7077



Phillip A. Washington
Chief Executive Officer